

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**BREE MCCLESKEY,**  
*Plaintiff,*

**V.**

**TOLTECA ENTERPRISES, INC. D/B/A  
THE PHOENIX RECOVERY GROUP, &  
SINGER MANAGEMENT, LLC, &  
GEORGETOWN PLACE, LTD. a/k/a  
GEORGETOWN PLACE APARTMENTS,  
& TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,  
*Defendants.***

§ § § § § § § § § § § § § § § §

**CIVIL ACTION NO. 1:20-cv-00166-ML**

**JOINT STIPULATION AND NOTICE OF WITHDRAWAL OF  
MOTION TO DISMISS (DKT. #47)**

Plaintiff Bree McCleskey (“Plaintiff”) and Defendants Georgetown Place, Ltd. (“Georgetown Place”) and Singer Management, LLC (“Singer”) file this Joint Stipulation and Notice of Withdrawal of Motion to Dismiss, respectfully show the Court as follows:

1. On November 20, 2020, the Court rendered an order granting Plaintiff's Opposed Motion for Leave to File Plaintiff's First Amended Complaint. (Dkt. #25.) Plaintiff's First Amended Complaint named Georgetown Place, Singer, and Travelers as additional defendants. (Dkt. #26.)

2. On March 3, 2021, Georgetown Place and Singer filed their Motion to Dismiss.  
(Dkt. #47.)

3. On March 10, 2021, Plaintiff filed her Second Amended Complaint. (Dkt. #50.) Plaintiff additionally filed an Unopposed Motion for Leave to File Plaintiff's Second Amended Complaint out of an abundance of caution. (Dkt. #51.)

4. Plaintiff, Georgetown Place, and Singer stipulate that Plaintiff's Second Amended Complaint has effectively mooted Georgetown Place and Singer's Motion to Dismiss the claims asserted in Plaintiff's prior pleading.

5. Accordingly, Georgetown Place and Singer give notice that they are withdrawing their Motion to Dismiss (Dkt. #47.)

6. Georgetown Place and Singer intend to file its responsive pleading on or before March 24, 2021, to the Second Amended Complaint.

Respectfully submitted,

/s/Brent A. Devere

Brent A. Devere

SBN#00789256

1411 West Avenue, Suite #200


Austin, Texas 78701

Ph: 512-457-8080 Fax: 512-457-8060

Email: BDevere@1411west.com

**ATTORNEY FOR PLAINTIFF**

**-AND-**



**Daniel Durell**

State Bar No. 24078450

daniel.durell@lockelord.com

**LOCKE LORD LLP**

600 Congress Avenue, Suite 2200

Austin, Texas 78701-3055

Telephone: (512) 305-4700

Facsimile: (512) 305-4800 (Facsimile)

**ATTORNEY FOR DEFENDANTS  
GEORGETOWN PLACE AND SINGER**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was served upon all counsel of record as indicated below on this 17th day of March 2021:

**VIA ECF**

Brent A. Devere  
1411 West Avenue, Suite #200  
Austin, Texas 78701  
Ph: 512-457-8080 Fax: 512-457-8060  
Email: BDevere@1411west.com  
*Attorney for Plaintiff*

**VIA ECF**

Tom Clarke  
8026 Vantage Dr. #105  
San Antonio, Texas 78230  
*Attorney for Phoenix and Travelers*

A handwritten signature in blue ink, appearing to read "Daniel Dyer", is written over a horizontal line.

Counsel for Georgetown Place and Singer